

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No.: 19-10080-NMG
	)	
DAVID SIDOO, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**GOVERNMENT’S REPLY TO  
DEFENDANT’S DISCOVERY CHART**

The government respectfully submits this response to the defendants’ chart outlining the various discovery requests submitted by the defendants in *United States v. Sidoo et al.*, 19-CR-10080-NMG. Below is a copy of the defendants’ discovery chart with the government’s response as to each request. We have provided anticipated production dates with respect to each. While we will make a good faith effort to produce materials on or before those dates, the government continues to experience network issues due to the need to work remotely in the midst of the global pandemic. To the extent we are unable to meet an anticipated deadline, the government will timely notify the defendants.

#	Request	Lead Requestor	Govt. Response
1	Emails from accounts of: Rick Singer; Gordon Ernst; Donna Heinel; Martin Fox; Mark Riddell; Amy Colburn; Diane Blake; Elisabeth Kimmel; Gamal Abdelaziz; Homayoun Zadeh; Lori Loughlin; Robert Zangrillo; and John Wilson.	All	<ul style="list-style-type: none"> <li>• Non-privileged emails previously produced.</li> <li>• <b>April 10, 2020:</b> The government will produce additional non-privileged Singer emails.</li> <li>• <b>April 24, 2020:</b> The government will produce additional non-privileged emails from parent defendants (to all defendants).</li> <li>• <b>On or before May 15, 2020:</b> The government will produce all emails to each defendant to whom those emails belong.</li> <li>• <b>By May 15, 2020:</b> The government will produce remaining relevant, non-privileged documents to all defendants.</li> <li>• <b>By May 15, 2020:</b> The government will provide a privilege log for Singer communications with criminal counsel (from Singer's counsel).</li> </ul>
2	Bates-stamped version of extraction of Singer's laptop.	All	<ul style="list-style-type: none"> <li>• Laptop produced <b>April 1, 2020.</b></li> <li>• The government expects to produce Bates-stamped version by <b>May 15, 2020.</b></li> </ul>
3	Draft 302 reports.	All	Draft reports collected to date will be produced on <b>April 10, 2020</b> , with the remainder produced by <b>April 24, 2020.</b>
4	Further non-privileged materials from Singer phones and Singer laptop upon completion of privilege review	All	<b>By May 15, 2020</b>

5	Bates-stamped versions of documents provided on 3/13/20 without Bates stamps.	All	<b>By May 15, 2020</b>
6	Further Singer handwritten notes	All	The government has not identified additional Singer handwritten notes.
7	Any missing agent notes not previously provided.	All	<ul style="list-style-type: none"> <li>• The government produced agent notes on <b>March 13, 2020</b>.</li> <li>• The government will produce additional agent notes on <b>April 24, 2020</b>.</li> </ul>
8	FBI extraction of missing text messages	All	The government will produce the GreyKey report (absent privileged material and PII) for the 8802 phone on <b>April 10, 2020</b> . <sup>1</sup>
9	All Singer communications/documents which post-date Singer's cooperation with the government that have not yet been produced, given that Singer waived privilege.	Abdelaziz	<ul style="list-style-type: none"> <li>• The government has previously produced non-privileged communications/documents.</li> <li>• The government disputes that Singer waived privilege, but will provide a privilege log from Singer's criminal counsel by <b>May 15, 2020</b>.</li> </ul>
10	Provide all AUSA notes of meetings/calls with Singer to Judge Kelley for an in camera review for Brady	Abdelaziz	The government will provide a letter summarizing any AUSA notes of Singer meetings that are inconsistent with or contain information in addition to that in the FBI/IRS reports by <b>May 15, 2020</b> .
11	Physical extraction of Singer Cymbal telephone using Cellebrite software, given that extraction provided is unreadable.	Abdelaziz	<b>April 10, 2020</b>
12	Agent notes for Singer interview sessions held: 12/12/18, 12/13/18, 6/5/19.	Abdelaziz	<b>April 10, 2020</b>

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<sup>1</sup> If defendants wish to review the actual GreyKey extraction, the government will make it available at the FBI (Non-privileged portions).

13	Confirmation that USAO has provided all agent notes from meetings/calls with Singer, even meetings/calls for which no 302/equivalent was drafted.	Abdelaziz	See Response to Request No. 7.
14	Confirmation that no agent notes from meetings/calls with Singer (even meetings/calls for which no 302/equivalent was drafted) were destroyed or otherwise lost.	Abdelaziz	We are not aware that any such notes were destroyed or lost.
15	Confirmation that no AUSA notes from meetings/calls with Singer (even meetings/calls for which no 302/equivalent was drafted) were destroyed or otherwise lost.	Abdelaziz	We are not aware that any such notes were destroyed or lost.
16	OIA Admonishments referred to as being signed by Singer in 1/17/19 FD-1023.	Abdelaziz	<b>April 10, 2020</b>
17	Exhibits for 1/24/19 proffers and Masera 4/16/19 proffer.	Abdelaziz	<b>April 10, 2020</b>
18	Notes or other documents regarding Isackson interview on 3/12/19, as folder previously provided was empty.	Abdelaziz	<b>April 10, 2020</b>
19	Privilege log of all otherwise discoverable material that is being withheld.	Abdelaziz	See Response to Requests #1 and #9. The government will produce a privilege log regarding Singer's privileged communications with his criminal counsel by <b>May 15, 2020</b> .
20	Extracts of computers seized or consensually searched from The Key or The Key employees, in particular Dell XPS 8700 Model D14M for which Singer consented to search on 5/7/19.	Abdelaziz	The government previously produced files from this computer. To the extent counsel wish to inspect an image of it, the government will make it available for review.
21	Extractions of Singer phones for which only reports were provided.	Chen	See Responses to Requests 8 and 11. If there is a particular phone for which additional information is needed, defendants should specifically request such information.
22	Answers to taint questions submitted in Vien letter dated 3/13/20.	Giannulli	The government filed its response to the defendant's motion for an evidentiary hearing on April 8, 2020 and this issue is now pending before Judge Gorton.

23	In 2/6/19 plea agreement, Singer agreed to deliver sworn financial statement to government upon request. Has the government requested the statement? Provide the statement.	Giannulli	The government will produce this information by on or before <b>July 17, 2020</b> . <i>See</i> Dkt. 929.
24	What assets has the government agreed that Singer will not forfeit?	Giannulli	On <b>March 18, 2020</b> , the government advised the defendants that we have not reached any agreement with Singer to allow him to keep any specific assets.
25	Portion of the grand jury transcript from fourth superseding indictment related to McGlashan and federal programs bribery.	McGlashan	<b>April 13, 2020</b>
26	Undisclosed 302 reports relating to various issues (i.e., McGlashan's arrest; concerning intercepted communications with alleged co-conspirators).	McGlashan	<b>April 10, 2020</b>
27	Grand Jury transcript from third superseding indictment related to McGlashan and federal programs bribery.	McGlashan	The Third Superseding Indictment is not the operative charging document. Moreover, on <b>March 26, 2020</b> , the government informed defendants that the Fourth Superseding Indictment was presented to a different Grand Jury. The government declines to produce this material as there is no legal basis.
28	Index of materials not produced.	McGlashan	The government produced a list of all FBI reports related to witness interviews (produced and not produced). The government is unaware of a legal basis to provide a list of all materials produced and not produced and declines to do so.
29	FD-71A tip reports.	Wilson	<b>April 24, 2020</b>
30	Information about actual and intended contacts among Singer, the prosecution team, and the Wilson family.	Wilson	The government has provided information about actual contacts between Singer and the Wilson family. There is no requirement that the government produce work product regarding "intended contacts" between a cooperator and a target.

31	Grand jury testimony and additional interview reports relating to Wilson.	Wilson	The government will produce additional interview reports by <b>April 10, 2020</b> . The government will produce Grand Jury material, to the extent required by the <i>Jencks</i> Act, by <b>July 17, 2020</b> .
32	Information about Singer's assets and the government's forfeiture plans.	Wilson	The government is in the process of reviewing Singer's financial information, and will produce information to the defense, to the extent necessary, by <b>July 17, 2020</b> . See Dkt. 929.
33	Grand jury minutes, for any of the two or more grand juries that were used, that contain any evidence or argument to the grand jury that parents paid bribes.	Kimmel	The government has not received this request to date. In any event, the government will produce Grand Jury material, to the extent required by the <i>Jencks</i> Act, by <b>July 17, 2020</b> . See Dkt. 929.
34	Report of instances where prosecutors instructed agents not to take notes in an interview.	Colburn	The government has not received this request to date. In any event, we are not aware of any instance in which prosecutors instructed agents not to take notes in a witness interview.

Respectfully submitted,

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United States Attorney

By: /s/ Eric S. Rosen  
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Date: April 9, 2020

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on April 9, 2020.

By: /s/ Eric S. Rosen  
ERIC S. ROSEN  
Assistant United States Attorney